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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,145	06/30/2001	Michael Yip	2717P046	8308

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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,145

Applicant(s)

YIP ET AL.

Examiner

Asad M Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 are presented for examination.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 2, 240 is not legible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Clear et al (US PGPUB 2001/0048661) hereinafter referred to as Clear.

As to claim 1, Clear teaches a method for a standby router protocol (SRP) comprising: assigning a VLAN participating in an SRP to a membership in a VLAN domain, the VLAN domain having a master VLAN. (abstract; 0003; 0004; 0022; 0047)

establishing a default route for the membership of the VLAN domain as determined by a virtual router with which the master VLAN is associated, (0003; 0004; 0007; 0019; 0020)

and routing traffic for the VLAN in accordance with the domain master VLAN's default route. (0003; 0004; 0007; 0019; 0020)

As to claim 2, Clear teaches the method of claim 1, wherein establishing the default route is further determined by a current master of the virtual router. (0020)

As to claim 3, Clear teaches the method of claim 1, further comprising re-establishing the default route for the membership of the VLAN domain as determined by a new master of the virtual router elected in accordance with the SRP. (0003; 0004; 0020; 0022; 0023)

As to claim 9, Clear teaches the method of claim 1, wherein the member VLAN is a layer-2 subnet. (0017; 0020; 0026; 0031; 0035)

As to claim 10, Clear teaches the method of claim 1, wherein the domain master VLAN is a layer-2 subnet. (0017; 0020; 0026; 0031; 0035)

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Claim 11 contains essentially the same limitations presented in claims 1 and 3 above and thus is rejected under the same rationale.

Claim 12 contains essentially the same limitation as claim 2 above and thus is rejected under the same rationale.

As to claim 13, Clear teaches the method of claim 11 wherein the first router is a backup router. (0003; 0004; 0007; 0020-0022)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clear et al (USPGPUB No 2001/0048661) further in view of RFC 2281 hereinafter referred to as 2281.

As to claim 4, Clear teaches the method of claim 1 comprising sending a message from the master VLAN to the virtual router on behalf of the membership of the VLAN domain.(0020; 0031; 0035; 0047)

As to the limitation regarding the message being an SRP message, Clear does not explicitly indicate sending an *SRP message* in particular to the virtual router.

However, 2281 teaches sending an SRP message from the master VLAN to the virtual router on behalf of the membership of the VLAN domain.(5.1; 5.3.2)

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It would have been obvious for one with ordinary skill in the art to incorporate the teachings of 2281 into those of Clear to make the system maintain connectivity.

Conventionally, multiple routers participating in a LAN or VLAN not using HSRP are susceptible to inefficient data flow upon a failure of (a possibly virtual) master router.

However, the use of HSRP would assist in alleviating this particular drawback. (2281

Abstract)

As to claim 5, 2281 teaches the method of claim 1, wherein the SRP message is an Internet Protocol packet datagram unit (PDU). (5.1; 5.3.2)

As to claim 6, 2281 teaches the method of claim 5, wherein the PDU contains parameter data about a status of an end-host in a member VLAN. (5.1; 5.3.2)

As to claim 7, 2281 teaches the method of claim 5, wherein the PDU contains parameter data about a status of a member VLAN in the VLAN domain. (5.1; 5.3.2)

As to claim 8, 2281 teaches the method of claim 5, wherein the PDU contains parameter data about a status of the VLAN domain. (5.1; 5.3.2)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hosain Alam

**HOSAIN ALAM
SUPERVISORY PATENT EXAMINER**